

The Department of Food and Agriculture, Milk and Dairy Foods Control Branch, hereby changes the following sections of Title 3, Cal. Code of Reg., to read as follows:

(1) Amend section 480.7 of Division 2, Chapter 7, Article 10, of Title 3 of the California Code of Regulations, to read as follows:

**Section 480.7. Dairy Farm Tank Installations.**

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~~(e) A sanitary milk pump, when installed on the truck, must be protected in a clean, dustproof compartment.~~  
Sanitary milk pumps provided by the dairy must be protected at all times.

(f) The loading area or ramp must be kept in a sanitary condition and be graded, or graded and paved to provide good drainage.

(g) The farm tank ~~and the truck tank~~ must be constructed of acceptable materials and in such a manner that it may be cleaned, ~~sterilized~~ sanitized, and drained. The measuring device must be made of stainless steel or other acceptable material.

(h) When used as a farm storage tank, ~~All~~ openings to the truck tank must be protected with dustproof covers. For loading and unloading, tight, protected connections must be made. All valves and fittings of farm tanks and truck tanks must be easily disassembled for cleaning.

(i) Sufficient light, properly located, must be available to assure proper cleaning of the interior and exterior of farm tanks ~~and truck tanks~~.

~~(j) Truck tanks, pumps, hoses and fittings must be cleaned and sterilized after each load is hauled, whenever the following load is to go to a different plant. A farm pickup tank truck may make several trips to the same plant before complete washing and sterilizing, provided satisfactory results are obtained and the inspection service involved has approved the system. If milk products other than market milk or market milk products are transported, there must be a complete cleaning and sterilization of the tank truck before it is used for transporting market milk or market milk products.~~

~~(k)~~ (j) Transfer of milk from the farm tank to truck tank must be made only through conductor pipe openings in the milk house wall or stationary door; such openings must be provided with closures.

~~(l) Each tank on the tank truck or trailer after being washed and sterilized must be identified by a tag attached to the outlet valve, bearing the following information: plant and specific location where cleaned, date and time of day of washing and name of person who washed and sterilized the tank. This tag must not be removed until tank on truck or trailer, after being used for reception of milk or milk products is again washed and sterilized.~~

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 33519 through 33522, Food and Agricultural Code.

(2) Amend section 480.9 in Division 2, Chapter 7, Article 10, of Title 3 of the California Code of Regulations to read as follows:

Section 480.9. Inspection and Permitting of Bulk Milk Tankers.

The following requirements for inspection and permitting of bulk milk tankers shall be met. The term "milk tanker" as used in Section 33227 of the Food and Agricultural Code is construed to mean a vehicle, including the tank and appurtenances necessary for its use, or an intermodal portable tank, used to transport bulk raw market milk from a dairy farm; ~~or bulk~~ market milk or milk products from a milk plant, receiving station or transfer station to a milk plant, receiving station or transfer station. ~~The term "market milk products" as used in Section 33227 of the Food and Agricultural Code, is construed to mean raw, heat treated or pasteurized cream, milk or condensed milk products.~~

(a) Permitting. Any person desiring to obtain a bulk milk tanker permit as required by Section 33227 of the Food and Agricultural Code shall apply in writing to the Department. The permit shall be issued for each milk tanker that has been inspected by a representative of the Department and found to be in compliance with the requirements set forth in (d) below.

(1) The "Application for a Bulk Milk Tanker Permit" (Appendix A, Form 72-273) shall be available to interested parties from the Milk and Dairy Foods Control Branch at 1220 N Street, Room A-170, Sacramento, CA 95814.

(2) After receipt of the above application by the Secretary, applicants will be contacted to schedule an inspection of the milk tanker.

(3) A fee will be charged for the milk tanker inspection. The fee shall be billed to the ~~owner~~ operator (lessee or owner), of the milk tanker after the inspection is completed based on the actual cost of the inspection.

(4) The permit shall be dated, signed and affixed to the milk tanker by a representative of the Department.

(5) The permit is valid for 1 year from the date of issue and may be renewed upon payment of an annual inspection fee, and re-inspection of the milk tanker by a representative of the Department finding it to meet requirements set forth in (d) below.

(b) Reciprocity. The Department will recognize permits issued by other state regulatory agencies pursuant to reciprocal agreements of the National Conference on Interstate Milk Shipments.

(c) Inspection. Each milk tanker shall be inspected annually. Representatives of the Department shall use FDA Form 2399B, 1999 revision, (2399B) to conduct inspections of milk tankers based on the standards set forth in (d) below. A copy of a current ~~inspection report~~ 2399B, or an affixed label near the outlet valve identifying the regulatory authority with the month and year of inspection, shall accompany the tanker at all times.

(1) The milk tanker inspection shall be conducted in a suitable location, i.e., dairy plant, milk receiving or transfer station, milk tanker cleaning facility or tanker yard. When construction or repair defects are observed that require entry of confined spaces as defined by the Occupational Health and Safety Administration standards the milk tanker shall be removed from service until proper confined entry safety requirements can be satisfied to determine repairs needed; and if repairs are needed, they are completed. Repairs shall be verified by a representative of the Department prior to returning the milk tanker to service.

(2) When defects or violations are noted on an inspection report, a copy of the report **2399B** shall be carried on the milk tanker until corrections are made. If the noted defect or violation could contaminate or otherwise affect the safety of the product a representative of the Department may require that corrections are completed and verified by a representative of the Department prior to returning the milk tanker to service.

~~Inspection reports completed by the Department on milk tankers with permits issued in other states shall be forwarded by the Department to the permitting agency in those other states. Inspection reports forwarded to the Department from other regulatory authorities on milk tankers with permits issued in California may be used to satisfy annual inspection requirements for issuance of the permit.~~

(d) Milk Tanker Standards. The milk tanker inspection criteria are listed below:

(1) Samples and Sampling Equipment.

(A) Sample containers shall be stored to preclude contamination.

(B) Sample box shall be in good repair and kept clean.

(C) Sample transfer instrument shall be cleaned and sanitized.

(D) Sample transfer instrument container shall be provided and adequate means for maintaining sanitizer solutions shall be on hand.

(E) Samples are properly stored to preclude contamination.

(F) Sample storage compartment shall be clean.

(G) Samples are maintained at an acceptable temperature (32°F to 40°F) and a temperature control sample shall be provided.

(H) A thermometer accurate within 1°C (2°F) shall be available for use by the sampler. The accuracy of the thermometer shall be checked each six months against a thermometer traceable to a National Institute of Standards and Testing certified thermometer. The date of the check and the correction factor shall be recorded on a tag attached to its carrying case.

(2) Product Temperature 45°F or Less.

(A) Product temperature shall meet requirements of Section 35782 of the Food and Agricultural Code.

(B) Product exceeding 45°F that remains in external transfer systems shall be discarded.

(3) Equipment Construction, Sanitizing and Repair.

(A) Construction and repair requirements.

1. The milk tanker interior and all appurtenances, including hoses, pumps, piping, fittings and connections which are exposed to milk or milk products or from which liquids may drip, drain or be drawn into milk or milk products, shall consist of material which is approved for food contact surfaces and meets requirements of Section 33520 of the Food and Agricultural Code.

2. Where flexibility is required, the fluid transfer system shall be free draining and so supported to maintain uniform slope and alignment. It shall be easily disassembled and accessible for inspection.

3. Cabinet(s) of the milk tanker used for storage of appurtenances and sampling equipment shall be clean, dustproof and in good repair.

4. ~~The milk tanker dome lid assembly, vent and dust cover shall be designed in compliance with Section 480.7 (h).~~ **All openings to the milk tanker must be protected with dustproof covers. For loading and unloading, tight, protected connections must be made. All valves and fittings of milk tankers must be easily disassembled for cleaning.**

(B) Cleaning and Sanitizing Requirements.

1. The milk tanker and its appurtenances shall have an effective cleaning and sanitizing regimen meeting requirements of Section 33519 of the Food and Agricultural Code.

2. The milk tanker shall be cleaned and sanitized prior to first use. When time elapsed after cleaning and sanitizing before first use exceeds 72 hours, the tank must be resanitized.

3. The milk tanker and its appurtenances ~~shall be cleaned and sanitized after each load is hauled in compliance with Section 480.7 (j).~~ **pumps, hoses and fittings must be cleaned and sanitized after each load is hauled, whenever the following load is to go to a different plant. A farm pickup milk tanker may make several trips to the same plant before complete washing and sanitizing, provided satisfactory results are obtained and the inspection service involved has approved the system. If milk products other than market milk or market milk products are transported, there must be a complete cleaning and sanitizing of the milk tanker before it is used for transporting market milk or market milk products.** ~~except, where allowed to pick up multiple loads continuously, the milk tanker shall be washed after each day used.~~

(4) Exterior Condition of Tank. The exterior of the milk tanker shall be constructed to protect the products contained therein from contamination and be in good repair. Defects and damage that could contaminate or adversely affect products contained in the milk tanker shall be noted during the inspection and corrected. Cleanliness of the milk tanker exterior shall be adequate to protect the contents from contamination. The weather and environmental conditions shall be considered in determining compliance with these requirements.

(5) Wash and Sanitize Record.

(A) The licensed sampler and weigher shall be responsible for assuring that the milk tanker has been properly cleaned and sanitized. A milk tanker without a cleaning and sanitizing tag shall not be loaded or unloaded until verification of cleaning and sanitizing is obtained.

(B) ~~A cleaning and sanitizing tag shall be affixed to the outlet valve of the milk tanker in compliance with Section 480.7 (l).~~ **Each tank on the milk tanker after being washed and sanitized must be identified by a tag attached to the outlet valve, bearing the following information: plant and specific location where cleaned, date and time of day of washing and name of person who washed and sanitized the tank. This tag must not be removed until the milk tanker, after being used for reception of milk or milk products is again washed and sanitized** and shall include identification of the milk tanker. When a milk tanker is washed, the previous cleaning and sanitizing tag shall be removed and stored at the location where the milk tanker was washed for a period of no less than 15 days.

(C) The licensed sampler and weigher or the milk tanker operator (**lessee or owner**) shall be responsible for assuring that all information on the cleaning and sanitizing tag is noted by the person conducting the cleaning and sanitization of the tanker.

(6) Location of last cleaning. The location of the last cleaning shall be verified by the regulatory agency during the milk tanker inspection and noted on the ~~inspection form~~ **2399B**.

(7) Labeling. The licensed sampler and weigher shall be responsible for assuring that all shipping invoices, bills of lading or weight tickets contain the information listed below. A milk tanker transporting raw, heat-treated or pasteurized milk and milk products to a milk plant from another milk plant, receiving or transfer station is required to be marked with the name and address of the milk plant or hauler and the milk tanker shall be under a proper seal. Shipping documents shall contain the following information:

(A) Shippers name, address and permit number. Each tanker load of milk shall include the IMS Bulk Tank Unit (BTU) identification number(s) or the IMS listed Plant Number (for farm groups listed with a plant) on the weight ticket or manifest.

(B) License number of the Sampler & Weigher, if not an employee of the shipper.

(C) Point of origin of shipment.

(D) Tanker identification number.

(E) Name of product.

(F) Weight of product.

(G) Temperature of product when loaded.

(H) Date of shipment.

(I) Name of supervising regulatory agency at the point of origin of shipment.

(J) Whether the contents are raw, pasteurized, or in the case of cream, lowfat or skim milk, whether it has been heat treated.

(K) Seal number on inlet, outlet, wash connections and vents, where applicable.

(L) Grade of product.

(8) Vehicle and Milk Tankers Properly Identified. The milk tanker ~~owner or operator~~ **(lessee or owner)** shall insure the ~~proper and~~ legible identification of the milk tanker in their possession.

(9) Previous Inspection Report Available. When a milk tanker transports milk and milk products from one regulatory jurisdiction to another, it is not necessary to inspect each milk tanker upon each arrival. Tank truck owners and operators shall carry proof of annual inspection from a state dairy regulatory agency. A milk tanker may be inspected at any time at the discretion of the Department.

(10) Transportation of Samples. When any individual transports samples for official laboratory analysis, that individual shall carry a valid Samplers and Weighers license; or, alternatively, a sample case sealed in a manner acceptable to the Department may be accepted.

~~(e) Representatives of the Department shall use FDA Form 2399B, 1999 revision, to conduct inspections of milk tankers.~~

NOTE: Authority cited: Sections 401, 407, 32920.5 and 33227, Food and Agricultural Code. Reference: Sections 32920.5, 33227, 33519 and 33520, Food and Agricultural Code.

(3) Amend section 300(c) of Division 1, Chapter 4, Article 1 of Title 3, California Code of Regulations, to read as follows:

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(c) The Department's minimum, median, and maximum time periods, in calendar days, for processing an application from the receipt of the initial application to the final decision, based on the Department's actual performance during the two years immediately preceding the proposal of this section, are shown in columns C, D, and E of the chart which follows:

	A	B	C	D	E
	Maximum time for notifying that application is complete or deficient	Maximum time after receipt of a complete application to approve or deny permit	ACTUAL DAYS TO PROCESS		
			Based on Prior Two Years		
Permit Type			Minimum (Days)	Median (Days)	Maximum (Days)
(1) Animal Health and Food Safety Services:					
Livestock Meat Inspector License <sup>1</sup>	14	60	1	29	325
Poultry Meat Inspector License <sup>1</sup>	14	60	5	76	162
Retail Meat Processing Establishment License <sup>1</sup>	14	60	1	34	237
Custom Livestock Slaughter Establishment License <sup>1</sup>	14	60	6	62	163
Poultry Plant License <sup>1</sup>	14	60	19	68	194
Pet Food Processor <sup>1</sup>	14	60	48	116	185
Horsemeat and Pet Food Importers <sup>1</sup>	14	60	15	32	49
License for the Production of Biologics	30	30	12	27	169
- Renewal	30	30	2	21	47
License to Feed Garbage to Swine <sup>1</sup>	10	10	11	11	11
License for Vessel and Aircraft Garbage Collection <sup>2</sup>	14	45	8	37	60
Limited Dairy Inspector Certificate <sup>2</sup>	30	60	16	17	37
Registered Dairy Inspector Certificate <sup>2</sup>	60	140	36	68	142
Certificate of Proficiency in the Analysis of Milk and Milk Products <sup>2</sup>	30	90	1	28	76
Frozen Milk Products Plant License <sup>1</sup>	60	90	4	29	161
Milk Products Plant License	60	90	16	29	130
- Renewal	30	60	1	10	53
Semi-Frozen Milk Products Plant License <sup>1</sup>	30	90	1	11	268
Bulk Milk Tanker Permit	60	90	No historical record.		
- Renewal	60	90	No historical record.		

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<sup>1</sup> Median processing time for renewals does not exceed 7 days.

<sup>2</sup> Not subject to renewal.

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NOTE: Authority cited: Section 15376, Government Code; and Section 407, Food and Agricultural Code.  
Reference: Section 15376, Government Code.

CERTIFICATE OF COMPLIANCE FILED WITH THE SECRETARY OF STATE ON APRIL 2, 2002. THIS FINAL VERSION OF THE TEXT ALSO BECAME EFFECTIVE ON APRIL 2, 2002.

